

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-CR-80155-ROSENBERG

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KYLE WILSON,

Defendant.

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**DEFENDANT'S UNOPPOSED MOTION FOR DOWNWARD VARIANCE**

The parties agree this Court should vary downward from the advisory guideline range to the mandatory minimum and sentence Mr. Wilson to 120 months. For the reasons that follow, such a sentence is sufficient but not greater than necessary to achieve the purposes of sentencing outlined in 18 U.S.C. § 3553.

To be sure, a sentence of 120 months represents significant punishment, particularly for someone like Mr. Wilson who has never spent more than a night in jail. [PSR ¶¶ 64-73]. At 42 years old, his criminal history – which happened more than two decades ago – consists of a burglary when he was just 15 and a disorderly conduct at age 19. [PSR ¶¶ 65-66]. He has led a largely law-abiding life since, graduating from high school at age 23, [PSR ¶ 97], and spending most of his time working in pest control. [PSR ¶¶ 99-105].

A sentence of 120 months is also sufficient to deter future criminal activity and protect the public. Recently, Dr. Sheila Rapa, a forensic psychologist with whom this

Court is familiar, conducted a risk assessment of Mr. Wilson and found he is unlikely to reoffend in the future, regardless of any sentence he receives. *See* Dr. Rapa's Report, filed under seal as Ex. A. To reduce that risk even further, she recommended psychological treatment to address his depression, anxiety and posttraumatic stress disorder likely the result of significant childhood trauma, including his own sexual abuse.

Finally, in considering the need to avoid unwarranted sentencing disparities, this Court should consider *United States v. Richard Lehner*, 21-CR-80094-DMM. Judge Middlebrooks sentenced Lehner to 120 months for attempted enticement of a minor after he travelled from Minnesota to have sex with a notional 15-year old minor, portrayed by an undercover agent online. Prior to his trip, Lehner had sent her sexually explicit photographs and messages describing the various sexual acts he intended. He had similar communications with a person he thought was the mother of a different minor who turned out to be the same undercover agent.

This Court should also consider *United States v. Wesley Houston*, 22-CR-20249-DPG. Houston requested a 13-year old child produce and send him pornographic videos and images of her naked and masturbating on at least 10 occasions. Despite facts evidencing production of child pornography and enticement of a minor, the government permitted Houston to plead guilty to a single count of receipt of child pornography and Judge Gayles sentenced him to the 60-month mandatory minimum.

WHEREFORE, the Defendant, KYLE WILSON, respectfully requests this Court grant this unopposed motion for a downward variance.

Respectfully submitted,

HECTOR DOPICO  
FEDERAL PUBLIC DEFENDER

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**CERTIFICATE OF SERVICE**

I HEREBY certify that on March 11, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Scott Berry  
Scott Berry